

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DARRYL SAMSELL, et al.	:	
	:	
Plaintiffs	:	
	:	
v.	:	Civil Action No. 09-667(FSH)
	:	
WELLPOINT, INC., et al.	:	
	:	
Defendants	:	ORDER

This matter having come before the Court by way of motions for the entry of a discovery confidentiality order, document preservation order, and electronic discovery protocol; and each of these motions being discovery motions;

and L. Civ. R. 37.1 requiring the parties to confer about discovery issues and present unresolved disputes by way of letter before filing a formation motion;

and the issues presented in these motions were not preceded by letters and hence they are procedurally improper;

and the issues presented in these motions having been addressed in similar cases that are familiar to counsel, including the Aetna, and Cigna UCR cases;

and the Court directing the parties to confer and present agreed-upon discovery confidentiality, document preservation, and electronic discovery protocol orders;

and the Court notifying the parties that if they are unable to reach agreement, then the Court will enter orders similar to those entered in the other UCR cases as the issues are similar all of the cases;

and the Court further providing a mechanism to present discrete issues if the parties have disagreements about certain terms of such orders;

and the Court reminding all parties of their obligation to preserve relevant documents, whether in paper or electronic format, regardless of whether or not a separate document presentation

order is entered;

IT IS THEREFORE ON THIS 13th day of July, 2009

ORDERED that the motions for a discovery confidentiality order, document preservation order, and electronic discovery protocol [Docket No. 74, 75, and 76] are terminated for failing to comply with L. Civ. R. 37.1;

IT IS FURTHER ORDERED that, no later than **July 22, 2009**, the parties shall confer and submit a joint proposed discovery confidentiality order and certification under L. Civ. R. 5.3, a document preservation order, and electronic discovery protocol. If the parties disagree about certain terms in any of these orders, then they shall set forth their respective positions in footnotes to the term of the order about which there is no agreement and include, in a different font, alternate language. If the parties cannot reach an agreement, then the Court will enter a discovery confidentiality order, electronic discovery protocol, and document preservation orders similar to those entered in the Aetna UCR and Cigna UCR cases.; and

IT IS FURTHER ORDERED that the absence of such orders does not permit a party to withhold discovery on confidentiality grounds and all discovery shall be disclosed for attorney's eyes only until such an order is entered;

IT IS FURTHER ORDERED that the absence of a document preservation order does not absolve a party of its obligation to preserve all relevant information, whether in paper or electronic format; and

IT IS FURTHER ORDERED that all discovery and case management disputes shall be presented via a joint letter that sets forth the issue and each side's position concerning the issue.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE